

### **REMARKS**

The Applicant respectfully requests reconsideration and Allowance of Claims 1-3, 5-13, 15-17 and 19-20 in view of the amendments presented above and the following arguments.

### **DRAWINGS**

The Applicant hereby submits a proposed drawing correction whereby the inadvertently omitted numeral "32" has been added to Figure 1. The Applicant respectfully requests that the objection to the drawings be withdrawn upon consideration of the proposed correction by the Examiner.

### **35 USC §101 REJECTIONS**

Method Claim 17 was rejected as being directed to non-statutory subject matter. Applicant has amended Claim 17 so as to provide the required structure, the communications network, for accomplishing the method. As a result, Applicant respectfully requests that the §101 rejection be withdrawn as to Claim 17.

### **35 U.S.C. §102 REJECTIONS**

Claims 1-20 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Publication No. US 2002/0035697 to McCurdy et al.

### **STATUS OF THE CLAIMS**

Claims 4,14 and 18 have been cancelled.

Claims 1-3,5-13,15-17 and 19-20 remain pending in this case.

Independent Claims 1 , 12 and 17 have been amended to add the limitation of a link to at least one service provider for editing the authored work for content and to clarify that a commercial grade publication is created from an authored work and then

published. These amendments represent clarifications and do not add further limitations to the respective claims.

**CLAIMS 1-3,5-13,15-17 and 19-20 ARE NOT ANTICIPATED BY, OR OBVIOUS IN VIEW OF, THE CITED ART**

The Examiner rejected Claims 1 through 20 under 35 U.S.C. § 102, as being anticipated by McCurdy et al. Applicant respectfully traverses these rejections on the ground that McCurdy et al. does not teach Applicant's invention as now claimed and, further, there is no suggestion to modify the McCurdy et al. device in the manner now claimed.

**THE MCCURDY ET AL. PATENT**

The McCurdy et al. publication claims the benefit of a provisional application for an electronic magazine system for providing a user with "the ability to view pages of a document, such as a magazine, in a format that looks the same as a conventional printed version of the document and which permit the user to interface with portions of those pages in ways that may not be possible with the conventional printed version of the document." [0001-0002]. McCurdy et al. discloses a technique for enabling a user to turn pages realistically, tear-out pages, mark pages and pass pages along to others. [0014] Further, McCurdy et al. enables users to interact with advertisers and access embedded links, audio and video files. [0014]. Throughout, the only document being accessed in this so-called realistic system, is the final version of a publication, what Applicant has identified as the "commercial grade publication". (See e.g. page 1, lines 10-31 and page 2, lines 1-22.)

**Claim 1**

In contrast to the technique of McCurdy et al., which is essentially a system for the manipulation of an electronic copy of a commercial grade publication in a manner similar to manipulation of an actual document, while providing additional access

electronically to advertisers and such, Applicant's independent Claim 1 (as well as independent Claims 12 and 17) is directed to the creation, via a communications network, of a commercial grade publication from an authored work. No such system is disclosed or suggested whatsoever by McCurdy et al. McCurdy et al. starts where Applicant's invention leaves off. That is, again, McCurdy et al. discloses a system for electronic manipulation of a commercial grade publication. Applicant discloses and claims an apparatus and method for the remote electronic creation of a commercial grade publication from an authored work. Further, Applicant's invention requires at least one remote service provider for editing the authored work for content.

Comparing this with the system disclosed in McCurdy et al., it is apparent that McCurdy et al. does not teach or suggest such a remote service provider for editing an authored work for content as required in Claim 1 and the other independent claims. The closest McCurdy et al. comes is the disclosure of a "pre press 52" wherein commercial grade publications are formatted electronically for dissemination to the user in a manipulable format. McCurdy et al. does not teach or disclose Applicant's device for creating a commercial grade publication. McCurdy et al. can fairly be said to teach only the manipulation of a commercial grade publication after it is created. Further, McCurdy et al. does not teach or suggest the use of a remote service provider for editing the authored work for content in the creation of a commercial grade publication.

The Applicant therefore respectfully submits that Claim 1, as well as independent Claims 12 and 17 which require limitations similar to those in Claim 1, are not anticipated by, nor obvious over, McCurdy et al. and are entitled to allowance along with dependent claims 2-3, 5-11; 13, 15-16; and 19-20 respectively.

### CONCLUSION

In light of the above, Applicant respectfully requests reconsideration and allowance of Claims 1-3, 5-13, 15-17 and 19-20. If the Examiner should feel that any issue remains as to the allowability of these claims, or that a conference might expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney.

Applicant intends this to be a complete response. No additional fee is believed due; however if a fee is due, please charge deposit account number indicated on the transmittal letter.

Respectfully submitted,

SHAFFER & CULBERTSON, L.L.P.

Date: 6 JUN 03

By: J. Nevin Shaffer, Jr.

J. Nevin Shaffer, Jr., Reg. No. 29,858  
Russell D. Culbertson, Reg. No. 32,124  
1250 Capital of Texas Hwy. South  
Building One, Suite 360  
Austin, Texas 78746  
512-327-8932 or 850-934-4124

ATTORNEYS FOR APPLICANT

### Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: 6 JUN 03  
Reg. No. 29,858, J. Nevin Shaffer, Jr.



Figure 1

